

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Environmental Protection

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE:

06 CMR 850
Maine Hazardous Waste Management Rules: Identification of Hazardous Wastes

STATUTORY AUTHORITY:

LD 1 (PL 2011 Chapter 304), 38 MRSA 1301 et seq., esp. 1319-O(1)

DATE AND PLACE OF PUBLIC HEARING:

October 4, 2011, 1:00 pm
DEP Response Building
4 Blossom Lane
Augusta, ME 04333

COMMENT DEADLINE:

October 14, 2011

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

LD 1 (PL 2011 Chapter 304) requires rulemaking to amend the Hazardous Waste Management Rules to exempt isopropyl alcohol when used or reused as an effective substitute for a commercial product. The Department of Environmental Protection is posting draft changes to the Hazardous Waste Management Rules to implement this change. The draft rule incorporates this exemption and establishes a method for determining an effective substitute for a commercial product in the case of isopropyl alcohol.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

LD 1 requires rulemaking to amend the Hazardous Waste Management Rules to exempt isopropyl alcohol when used or reused as an effective substitute for a commercial product.

Isopropyl alcohol can be a valuable commodity if it is uncontaminated and managed and reused as a valuable product. The key to the rulemaking will be to ensure that the rule meets the condition of the legislation that the isopropyl alcohol is in fact being reused by being an effective substitute for a commercial product. To be an effective substitute, the isopropyl alcohol will need to be comparable in contaminant levels and comparable in use to that of the commercial product that it would replace. This would include that it is in fact a useful substitute, not disposed of, allowed to leak or otherwise be handled in a manner that a valuable commodity would not.

The rule as proposed includes federal regulations for use or reuse as an effective substitute for a commercial product and legitimacy criteria for reuse. The proposal also provides more specificity on the documentation and process used to determine the legitimacy of these requests. This detail and process should introduce objectivity and consistency into the process as is required by LD 1 in the retrospective review of agency rules.

FISCAL IMPACT OF THE RULE:

There are both financial benefits and negative financial impacts to the rule change. Generally the cost benefit advantages would be realized by the generators of waste isopropyl alcohol and disadvantages would be borne by the waste transportation and handling industry and state environmental agency which would receive less revenue. Exact costs are not currently possible since the generators themselves do not know what portion of their waste streams will be able to qualify as a replacement or substitute for a comparable commercial product. Even beyond these reuse decisions; there may be an advantage to some generators as a result of the separation of waste streams which may allow for a more cost beneficial handling of the remaining portion of the waste that is managed as a hazardous waste.

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE: